

This order is SIGNED.

Dated: May 12, 2015



**R. KIMBALL MOSIER
U.S. Bankruptcy Judge**



David M. Cook, Bar # 7043
Attorney for Debtors
716 East 4500 South, Ste. N240
Salt Lake City, UT 84107
Phone: (801) 264-0699
Fax: (801) 438-7867
E-mail: cook@utlawyer.net

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

IN RE: Allen Kerr
Gina Torres

Address: 270 S. 450 W., Layton, UT 84041
Last four digits of Social Security No:
xxx-xx-0451 and xxx-xx-1518

Debtor(s).

Bankruptcy No. 12-29200
Chapter 13
Filed Electronically

**ORDER AUTHORIZING APPOINTMENT OF AGENT FOR SALE OF PROPERTY OF
THE ESTATE, FOR APPROVAL OF SALE OF DEBTORS' INTEREST IN REAL
PROPERTY AND ATTORNEY'S FEES**

A hearing on Debtor(s)' **Motion For Approval Real Estate Agent, Sale of Debtors'**

Interest in Real Property and Attorney's Fees was scheduled for **May 13, 2015, at 11:00 a.m.**

Proper notice of the hearing was given to all parties listed on Debtor(s) mailing matrix. Parties

were further notified that objections, if any, to the relief sought by Debtor(s) must be mailed

"early enough so that the Court will **receive** it on or before May 5, 2015" and "In the absence of a

timely filed objection, the undersigned counsel may and will ask the Court to enter an order

approving the Objection without hearing." The Trustee filed a response requesting clarification

of a reference to an attorney fee listed on the original HUD-1 Exhibit B which was removed in an amended Exhibit B, that language be included in the Order which is included, Wells Fargo Bank filed an Objection which was resolved by the terms of this Order as indicated by endorsement of this Order and no other objection or other response to the relief sought by Debtor(s) was filed, and the hearing was consequently stricken at Debtor(s)' request. The Court, being fully advised, having reviewed the Motion for Entry of Order and with good cause appearing, hereby ORDERS that

1. That Debtors' Motion to Appoint Agent for Sale of Property of the Estate, for Approval of Sale of Real Property, and for Attorney's Fees is granted subject to approval by the mortgage holders;
2. That the Debtors are authorized to sell their interest in the home and real property located at 270 S 450 W, Layton, UT 84041 for at least \$246,500.00;
3. Trisha Thompson is hereby appointed as the real estate agent and is entitled to a fee of up to 4.0% of the sales price of the home;
4. That the sale shall be free and clear of liens and encumbrances with any valid existing liens to be paid at closing;
5. A copy of the settlement statement and/or closing documents shall be provided to the Trustee within three business days after the sale is closed;
6. The Trustee is entitled to a fee on any prepetition mortgage arrearages, taxes or other encumbrances that are paid directly by the closing agent that otherwise would have been paid by the Trustee through the Plan. The Trustee shall be entitled to immediate payment

of such fee based on the distribution to these creditors;

7. Upon entry of this Order, the Trustee will cease further distribution on Claim No. 13.
8. Debtors shall file an amended budget and change of address within 14 days of both the closing of the sale and changing address; and
9. David M. Cook is awarded fees as an administrative expense in the amount of \$750.00 to be paid from available funds.

[END OF DOCUMENT]

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **Order Authorizing Appointment of Agent for Sale of Property of the Estate, for Approval of Short Sale of Debtors' Interest in Real Property and Attorney's Fees** shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Kevin R. Anderson
Chapter 13 Trustee
Via ECF

U.S. Trustee
Via ECF

David M. Cook
Via ECF

Mark S. Middlemas
Via ECF

By U.S. Mail - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

Allen Kerr
Gina Torres
270 S. 450 W.
Layton, UT 84041

All parties on the Court's official case matrix

/s/ David M. Cook

Certificate of Notice Page 4 of 4
 United States Bankruptcy Court
 District of Utah

In re:
 Allen Shayne Kerr
 Gina Torres
 Debtors

Case No. 12-29200-RKM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 1088-2

User: clo
 Form ID: pdfor1

Page 1 of 1
 Total Noticed: 1

Date Rcvd: May 12, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 14, 2015.
 db/jdb +Allen Shayne Kerr, Gina Torres, 270 S. 450 W., Layton, UT 84041-3675

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 14, 2015

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 12, 2015 at the address(es) listed below:

David M x2Cook on behalf of Plaintiff Gina Torres cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net
 David M x2Cook on behalf of Plaintiff Allen Shayne Kerr cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net
 David M x2Cook on behalf of Debtor Allen Shayne Kerr cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net
 David M x2Cook on behalf of Joint Debtor Gina Torres cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net
 David M. Cook on behalf of Joint Debtor Gina Torres cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net;debbie@utlawyer.net;h
 oward@utlawyer.net
 David M. Cook on behalf of Debtor Allen Shayne Kerr cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net;debbie@utlawyer.net;h
 oward@utlawyer.net
 David M. Cook on behalf of Plaintiff Allen Shayne Kerr cook@utlawyer.net,
 cook@utcounsel.com;david@utlawyer.net;hojoatt@hotmail.com;nora@utlawyer.net;debbie@utlawyer.net;h
 oward@utlawyer.net
 Kevin R. Anderson tr ecfmail@chl3kra.com, lneebling@chl3kra.com
 Mark S. Middlemas on behalf of Creditor Wells Fargo Bank, N.A.
 ecfmaildistgroup@lundbergfirm.com, lundbergBK@gmail.com,mark.middlemas@lundbergfirm.com
 Mark S. x2Middlemas on behalf of Creditor Wells Fargo Bank, N.A.
 ecfmaildistgroup@lundbergfirm.com, kent.plott@lundbergfirm.com;lundbergbk@gmail.com
 Scott D. Fink on behalf of Creditor Graypoint Auto Finance Corp. Bronationalecf@weltman.com
 United States Trustee USTPRegion19.SK.ECF@usdoj.gov

TOTAL: 12